

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 23-mj-1119
(FILED UNDER SEAL)

DALE W. MILLER

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

COUNT ONE

On or about March 29, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWO

On or about March 29, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenyl-ethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

On or about April 4, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

On or about April 4, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenyl-ethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE

On or about April 11, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

On or about April 11, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenyl-ethyl)-4-piperidinyl] propanamide (fentanyl) and heroin, both Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SEVEN

On or about May 18, 2023, in the Western District of New York, the defendant, **DALE W. MILLER**, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distribute, a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

KEVIN M. GALLAGHER
TASK FORCE OFFICER
DRUG ENFORCEMENT ADMINISTRATION

Printed name and title

Sworn to and signed telephonically.

Date: August 30, 2023



Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY ERIE) SS:
CITY OF BUFFALO)

KEVIN M. GALLAGHER, having been duly sworn, states as follows:

1. I am an Investigator employed by the New York State Police since May 10, 1999. I have been employed as a Drug Enforcement Administration (DEA) Task Force Officer (TFO) since May 2015 and have participated in numerous investigations concerning the trafficking and distribution of narcotics. I am presently assigned to the DEA Buffalo Enforcement Group D-58, and, as such, I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516, and Title 21, United States Code, Section 801, *et. seq.*

2. During my law enforcement career, I have participated in numerous investigations targeting individuals engaging in the trafficking and distribution of narcotics. Based on my training, experience, and conversations with DEA Special Agents (SAs) and TFOs, and other law enforcement officers, I am familiar with how controlled substances are cultivated, manufactured, processed, packaged, distributed, sold, and used by individuals involved in drug trafficking activities, and how drug traffickers use electronic communications to facilitate their illegal activities. As a result of my training and experience, I am familiar

with the language, conduct, and customs of individuals engaged in narcotics trafficking. My investigative experience, as well as the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. This affidavit contains information based on my own personal knowledge as well as information provided by other law enforcement agents and local law enforcement members. I have not included every fact and circumstance known to me in this affidavit, but I have included facts and circumstances that I believe establish probable cause to support the submitted criminal complaint.

3. I make this affidavit in support of an application for a criminal complaint charging **DALE W. MILLER** with violating Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) (possession with intent to distribute, and distribution of, methamphetamine; possession with intent to distribute, and distribution of, fentanyl; possession with intent to distribute, and distribution of, heroin and fentanyl).

PROBABLE CAUSE

4. In March of 2023, DEA-Buffalo Task Force Group D-58, the New York State Police (NYSP) Violent Gang Narcotics Enforcement Team (VGNET) and the Chautauqua County Narcotics Investigation Unit (CCNIU) initiated an investigation into the distribution of fentanyl and methamphetamine by MILLER in and around the City of Dunkirk, New York. During the course of the investigation, Your Affiant conducted four (4) controlled

purchases of fentanyl, heroin, and/or methamphetamine from MILLER utilizing a confidential source (CS).


5. Between March and May of 2023, members of VGNET and CCNIU conducted controlled purchases of fentanyl, heroin, and/or methamphetamine from MILLER utilizing the CS. Prior to the four transactions, the CS would contact MILLER via his cellular telephone and arranged to meet MILLER at a predetermined location in either Dunkirk or Brocton, New York. The CS was provided with NYSP Confidential Funds for the purchase of fentanyl, heroin, and/or methamphetamine from MILLER. The CS was also provided with an electronic transmitter that transmitted and recorded the CS's communications with MILLER. The CS would then meet MILLER at the agreed upon location and conduct the transactions. The CS would provide MILLER with the NYSP Confidential Funds, and MILLER would give the CS the fentanyl, heroin, and/or methamphetamine. During the transactions, members of VGNET and CCNIU monitored the conversation between the CS and MILLER.

6. Following the controlled purchases, members of VGNET and CCNIU followed the CS to a neutral location. The CS would relinquish custody of the fentanyl, heroin, and/or methamphetamine to law enforcement. The fentanyl, heroin, and methamphetamine was submitted to the NYSP Western Satellite Crime Laboratory for laboratory testing, which confirmed the substances' chemical structure and weight. On or about both March 29, 2023, and April 4, 2023, the CS acquired approximately 1 gram of methamphetamine and 1 gram of fentanyl from MILLER; on or about, April 11, 2023, the

CS acquired approximately 1 gram of methamphetamine and 1 gram of fentanyl/heroin from MILLER; and, on or about May 18, 2023, the CS acquired approximately 29 grams of methamphetamine from MILLER.

7. The CS is under an agreement with the Chautauqua County District Attorney's Office to assist law enforcement for consideration in the reduction of a Criminal Possession of a Controlled Substance in the 3rd degree charge. The CS has been convicted of three narcotics related offenses prior. The CS is known by law enforcement to be credible and reliable based on accurate information provided in this investigation as well as past investigations. The CS is punctual and maintains constant contact with law enforcement.

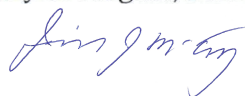
WHEREFORE, based on the foregoing, I respectfully submit that probable cause exists to believe that Dale W. MILLER has violated Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) (possession with intent to distribute, and distribution of, methamphetamine; possession with intent to distribute, and distribution of, fentanyl; possession with intent to distribute, and distribution of heroin and fentanyl).



KEVIN M. GALLAGHER
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to telephonically

this 30th day of August, 2023.



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge